

Robert Chalfant, (State Bar No. 203051)

ROBERT CHALFANT LAW, PC

13620 Lincoln Way, Suite 325

Auburn, California 95603

Telephone: (916) 647-7728

Facsimile: (916) 930-6093

Email: robert@rchalfant.com

Attorney for Plaintiff

BRANDON M. ESCAMILLA

Janine K. Jeffery, Esq. CBN 112639

[Jjeffery@reilyjeffery.com](mailto:jjeffery@reilyjeffery.com)

REILY & JEFFERY. INC.

5850 Canoga Avenue, Suite 400

Woodland Hills, CA 91367

Telephone: (818) 350-6282

Facsimile: (818) 350-6283

Attorneys for Defendants A Oboyle and T. Phillips

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRANDON M. ESCAMILLA,

Plaintiff,

vs.

A. OBOYLE, et al.,

Defendants.

) Case No.: 2:22-cv-2038 KJM AC P

) **STIPULATION AND ~~PROPOSED~~**
) **ORDER REQUESTING STAY OF ALL**
) **PROCEEDINGS**

COMES NOW THE PARTIES, by and through their respective attorneys and subject to the approval of this Court, hereby stipulate and respectfully request a stay of all proceedings in this matter. The parties hereby stipulate, through their counsel of record, as follows:

1 **WHEREAS**, on November 4, 2022, Plaintiff Brandon Escamilla (“Plaintiff”)
2 initiated this action by filing a Pro Se 1983 Prisoner Civil Rights Complaint (ECF No.
3 1);

4 **WHEREAS**, the Complaint alleges that on August 24, 2022, Plaintiff was
5 subjected to excessive force by named Correctional Officers Defendants A. Oboyle and
6 T. Phillips while incarcerated at Mule Creek State Prison. (Id. at pp. 1:15);

7 **WHEREAS**, on November 16, 2022, Magistrate Judge Allison Claire conducted
8 an initial screening of Plaintiff’s Pro Se Civil Rights Complaint and authorized service
9 of the complaint on Defendants Oboyle and Phillips (ECF No. 6 at p.3:11-21)

10 **WHEREAS**, Plaintiff subsequently obtained permission from this Court to file
11 his Third Amended Complaint, which he filed on August 28, 2023 (ECF Nos. 50 and
12 51);

13 **WHEREAS**, Defendants answered Plaintiff’s Third Amended Complaint on
14 January 31, 2024 (ECF No. 56);

15 **WHEREAS**, on February 6, 2024, Magistrate Judge Allison Claire issued a
16 Discovery and Scheduling Order (ECF No. 58);

17 **WHEREAS**, on March 20, 2024, attorney Robert Chalfant filed a Notice of
18 Appearance, and now represents Mr. Escamilla in this matter (ECF No. 59);

19 **WHEREAS**, on April 1, 2024, the parties filed a Stipulation and Proposed Order
20 to modify the Discovery and Scheduling Order issued in this case and extend all
21 discovery deadlines based on Mr. Chalfant’s appearance in the action; (ECF No. 60);

22 **WHEREAS**, On April 1, 2024, Magistrate Judge Allison Claire signed the
23 Proposed Order and Ordered that: (1) discovery close on September 30, 2024; (2) any
24 motions to compel be filed by October 31, 2024; and (3) all pretrial motions be filed on
25 or before December 2, 2024. (ECF No. 61);

26 **WHEREAS**, on May 6, 2024, Counsel for Plaintiff was notified by defense
27 counsel and his client that a criminal Complaint had been filed in Amador County
28 Superior Court against Plaintiff, and the criminal Complaint alleged, among other things,

1 that Plaintiff committed felony battery against Defendants Oboyle and Phillips on
2 August 24, 2022;

3 **WHEREAS**, on May 22, 2024, Plaintiff's Counsel obtained a copy of the
4 Criminal Complaint filed in Amador County Superior Court on April 2, 2024 (See
5 Attached Exhibit A), which shows that Plaintiff is being prosecuted for the same acts
6 that he is proceeding upon in this federal civil rights action (Id. at Counts Two and
7 Three);

8 **WHEREAS**, the parties seek to stay this action pursuant to *Heck v. Humphrey*,
9 512 U.S. 477 (1994), *Younger v. Harris*, 401 U.S. 37 (1971) and the implication of
10 Plaintiff's Fifth Amendment rights;

11 **WHEREAS**, judicial efficiency favors the imposition of a stay of all proceedings
12 in this matter because Plaintiff's criminal action involves the same facts alleged in
13 Plaintiff's civil action;

14 **WHEREAS**, the public interest weighs in favor of a stay because "[t]he public
15 has an interest in 'ensuring that the criminal process is not subverted' by ongoing civil
16 cases." *Valenzuela v. Santiesteban*, 2021 U.S. Dist LEXIS 69535, 2021 WL 1845544, at
17 *1-3 (E.D. Cal. Apr. 9, 2021)(staying excessive force case where related criminal
18 prosecution pending);

19 **WHEREAS**, the parties recognize that proceeding with these actions at this time
20 could have potential adverse effects on the parties' ability to prove and disprove claims
21 in this matter. For these reasons, the parties jointly request that this matter be stayed to
22 the conclusion of the related criminal matter in the Amador County Superior Court
23 proceedings;

24 **SO STIPULATED.**

25 Dated: May 29, 2024

ROBERT CHALFANT LAW, PC

26
27 By: /s/ Robert Chalfant

ROBERT CHALFANT

28 Attorney for Plaintiff

1 Dated: May 28, 2024

REILY & JEFFERY, INC.

3 By: /s/ Janine Jeffery (Auth. 5/28/24)

4 Janine K. Jeffery

5 Attorneys for Defendants


A. OBOYLE and T. PHILLIPS

7 **~~{PROPOSED}~~ ORDER**

8 Pursuant to the parties' stipulation, this case shall remain stayed in all respects until the
9 conclusion of the related criminal matter. All pending deadlines and dates are vacated. Plaintiff
10 agrees to notify Defendants and the Court at the termination of the related criminal matter, at
11 which time the Court can issue a new scheduling order.
12

13
14 **IT IS SO ORDERED.**

15 DATED: May 29, 2024

16 
17 ALLISON CLAIRE
18 UNITED STATES MAGISTRATE JUDGE
19
20
21
22
23
24
25
26
27
28